

REMARKS

In view of the following Remarks, the Examiner is requested to withdraw the rejection and allow claims 14, 15, 25, 26, and 28-34, the only claims pending in this application and currently under examination.

FORMAL MATTERS:

Claim 14 was amended to incorporate the limitation of Claim 35, which was correspondingly cancelled. No new matter is added. As such, the Examiner is requested to enter the above amendments.

REJECTIONS UNDER §103(a)

Claims 14, 15, 25, 26 and 28-32 are rejected under 35 USC 103(a) as being unpatentable over Frankel et al. (US Patent No. 6,099,848, issued August 8, 2000) in view of Frazao et al. (WO 99/07861, published 18 February 1999) and Loessner et al. (Molecular Microbiology 35(2):324-340, 2000). While not agreeing with the position of the office and solely in order to expedite allowance of the present application, Claim 14 has been amended to incorporate the limitation of Claim 35. As Claim 35 was not included in this rejection, this rejection may be withdrawn.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number BERK-017CIP.

Respectfully submitted,
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